

C O U N C I L C O M M U N I C A T I O N

TO: THE CITY COUNCIL COUNCIL MEETING DATE: NOVEMBER 2, 1388

FROM: THE CITY MANAGER'S OFFICE

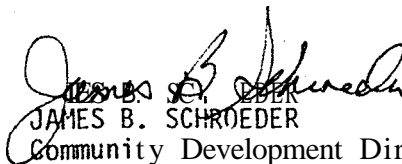
SUEJECT: ABANDONMENT OF WEST 15 FEET OF RAVENWOOD WAY

RECOMMENDEG ACTION: That the City Council adopt an Order abandoning the west 15 feet of Ravenwood Way. At its meeting of Monday, October 24, 1988 the Planning Commission determined that no present public reed existed for the 15 feet and recommended the abandonment.

BACKGROUND INFORMATION: This abandonment has been requested by Gibraltar Community Builders pursuant to an order issued by the Superior Court. Wilbert and Roberta Ruhl obtained a judgement establishing certain easement rights in their favor over a portion of the Noma Ranch Subdivision. Gibraltar and Ruhl have agreed upon a method of resolving this dispute whereby Gibraltar will grant the Ruhl's easement rights in exchange for certain consideration. Specifically, the Ruhls will obtain a 15-foot easement over the westerly portion of Lots 1 and 20 in the Nma Ranch Subdivision as well as the westerly 15 feet of Ravenwood Way. In order to accomplish this, the City of Lodi will need to vacate and abandon the westerly 15 feet of Ravenwood Way as well as a portion of certain improvements along Almond Drive where the Ruhl's roadway would intersect Almond Drive. Gibraltar will then construct a fence along the boundary between the Ruhl property and Nma Ranch. The fence to be constructed at the end of Ravenwood Way would have a gate with a City lock.

The owners have paid the necessary fees to process this abandonment. Pacific Bell, Pacific Gas & Electric, King Videocable Company and City utilities have been notified of the abandonment and their approval has been secured.

In exchange for the abandonment and vacation, the adjacent owners, Wilbert and Roberta Ruhl, have agreed to execute a deed restriction, to be recorded and run with the land, obligating them or their successors in interest to restore the public rights-of-way at such time as they or their successors in interest seek any development permit or map, at their own cost. This simply means that at such time as the adjacent Ruhl property is used for anything other than its present agricultural uses, the owners of the property at that time will be required to rededicate to the City the land abandoned here, and to provide the extension of such rights of way in conjunction with any development.


JAMES B. SCHROEDER
Community Development Director

Attachment

RESOLUTION/ORDER NO. 88-155

RESOLUTION/ORDER VACATING THE WEST FIFTEEN FEET OF RAVENWOOD WAY

Whereas, this City Council, acting in accordance with provisions of Part III of Division 9 of the Streets and Highways Code of this state, did on the 5th day of October, 1988 pass and adopt a Resolution of Intention No. 88-140 therein declaring the intention of said City Council to vacate the west fifteen feet of Ravenwood Way, Lodi, California, County of San Joaquin, State of California, and more particularly described as follows, to wit:

The Westerly fifteen feet of Ravenwood Way as shown on "Noma Ranch" as filed for record October 30, 1984, in Volume 27, Book of Maps and Plats, Page 9, San Joaquin County Records.

Reserving and excepting from this abandonment an easement to construct, maintain, repair, replace, remove, and operate public utilities, both publicly and privately owned.

Whereas, said notice of said intended vacation was regularly given by publication and by posting, both in time, form and manner as required by law as is evidenced by affidavits on file and on record in the office of the City Clerk of the City of Lodi; and

Whereas, in accordance with the provisions stated in Resolution No. 88-140 and also contained in the posted notices of the adoption of said resolution notice was given that a public hearing would be held before the City council in the City Council Chambers, City Hall, Lodi, California, beginning at 7:30 p.m. on Wednesday, Wednesday, November 2, 1988 where and when any person interested in or objecting to said vacation could appear and be heard in relation thereto; and

Whereas, at that time and place a public hearing was held and conducted and testimony received for and against the vacation contemplated, and from the evidence submitted the City Council of the City of Lodi did determine that said portion of said street is unnecessary for present or future public use and did so find and declare;

that the Planning Commission did find that the subject vacation was consistent with the general plan of the City of Lodi;

Now, therefore, be it resolved that, pursuant to the findings and under the authority of Section 8323 of the Streets and Highways Code of the State of California, that there is hereby abandoned the west fifteen feet of Ravenwood Way, Lodi, California, and more particularly described as follows:

The Westerly fifteen feet of Ravenwood Way as shown on "Noma Ranch" as filed for record October 30, 1984, in Volume 27, Book of Maps and Plats, Page 9, San Joaquin County Records.

Reserving, however, and excepting from the vacation of said street, the permanent easement and the right therein to construct, maintain, repair and operate lines for public utilities, both publicly and privately owned, in, over, and across said street.

Reference is hereby made to a map or plan on file in the office of the City Clerk of the City of Lodi for the particulars as to the proposed vacation.

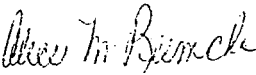
Dated: November 2, 1988

I hereby certify that the foregoing RESOLUTION/ORDER VACATING the west fifteen feet of Ravenwood Way, Lodi, California, with the conditions heretofore stated, was passed and adopted by the Lodi City Council in a regular meeting held November 2, 1988 by the following vote:

Ayes : Council Members - Hinchman, Olson, Snider and Pinkerton (Mayor)

Noes : Council Members - None

Absent: Council Members - **Reid**


Alice M. Reimche
City Clerk

M E M O R A N D U M

To : Jack Ronsko
Public Works Director

From : Alice M. Reimche
City Clerk

Date : October 7, 1988

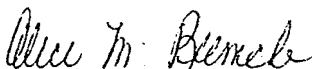
Subject: Posting Notices Regarding Intention to Vacate the West Fifteen Feet of Ravenwood Way as Shown on the Attached Exhibit

Please be advised that the Lodi City Council at its regular meeting of October 5, 1988 adopted Resolution No. 88-140 entitled Resolution of Intention to Vacate the West Fifteen Feet of Ravenwood Way.

Further, Council referred the matter to the Planning Commission for a recommendation and set the matter for public hearing at the regular meeting of November 2, 1988.

Section 8322 of the State of California Streets and Highways Code provides that the Superintendent of Streets shall post notices pertaining to the Resolution of Intention on the subject property at least 10 days before the hearing. The code further provides that there shall be at least three notices and they shall not be spaced any further apart than 300 feet.

Please provide me with a Declaration of Posting when this task has been accomplished.


Alice M. Reimche
City Clerk

AMR:jj

VAC/POST
TXTA.02D

CITY COUNCIL

JAMES W. PINKERTON, Jr., Mayor
JOHN R. (Randy) SNIDER
Mayor Pro Tempore
DAVID M. HINCHMAN
EVELYN M. OLSON
FRED M. REID

CITY OF LODI

CITY HALL, 221 WEST PINE STREET
CALL BOX 3006
LODI, CALIFORNIA 95241-1910
(209) 334-5634
TELECOPIER (209) 333-6795

THOMAS A. PETERSON
City Manager
ALICE M. REIMCHE
City Clerk
BOB McNATT
City Attorney

To : Honorable Chairman and
Members of the City of Lodi Planning Commission

From : Alice M. Reimche
City Clerk

Date : October 7, 1988

Subject: Resolution of Intention to vacate the west 15 feet of Ravenwood Way
as shown on the attached exhibit

Please be advised that the Lodi City Council, at its regular meeting of October 5, 1988 adopted Resolution No. 88-140 - Resolution of the City Council of the City of Lodi Declaring its Intention to Vacate the west 15 feet of Ravenwood Way as shown on the attached exhibit.

Further, Council referred the matter to the Planning Commission for its recommendation and set the matter for public hearing on November 2, 1988. Enclosed is a certified copy of Resolution No. E8-140.


Alice M. Reimche
City Clerk

AMR:jj
Enc.

VAC/PLAN.COM
TXTA.02D

RESOLUTION NO. 88-140

RESOLUTION OF INTENTION TO VACATE THE WEST ~~FIFTEEN~~ FEET OF RAVENWOOD WAY

BE IT RESOLVED by the City Council of the City of Lodi as follows:

it is the intention of the City Council of the City of Lodi, acting in accordance with the provisions of Sections 8300 et seq. of the Streets and Highways Code of the State of California, to vacate and abandon the west 15 feet of Ravenwood Way described as follows:

The westerly fifteen feet of Ravenwood Way as shown on "Noma Ranch" as filed for record October 30, 1984, in Volume 27, Book of Maps and Plats, Page 9, San Joaquin County Records.

Reserving and excepting from this abandonment an easement to construct, maintain, repair, replace, remove, and operate public utilities, both publicly and privately owned.

Reference is hereby made to a map or plan on file in the office of the City Clerk of the City of Lodi for the particulars as to the proposed vacation.

BE IT FURTHER RESOLVED that this vacation of right-of-way is premised upon the mutual covenant of the owners of the adjacent property, Wilbert and Roberta Ruhl, to execute and record a deed restriction on the benefitted property, establishing an obligation of the Ruhls or their successors in interest, upon future application for any development permit or map, to restore and complete the public facilities on Ravenwood Way and Almond Drive.

BE IT FURTHER RESOLVED that this City Council does hereby fix Wednesday, November 2, 1988, at the hour of 7:30 p.m., in the City Council Chamber, City Hall, Lodi, California, as the time and place when and where all persons interested in or objecting to this proposed vacation may appear before this City Council and be heard.

BE IT FURTHER RESOLVED that the Public Works Director shall cause to be posted notices of vacation conspicuously along the line of the portion of the street hereinabove described and proposed to be vacated in the manner, form, and for the length of time set forth in Section 8323 of the Streets and Highways Code of the State of California-

BE IT FURTHER RESOLVED that copies of this resolution shall be published for at least two successive weeks prior to November 2, 1988 in the "Lodi News Sentinel", a daily newspaper of general circulation printed and published in the City of Lodi, County of San Joaquin.

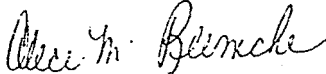
Dated: October 5, 1988

I hereby certify that Resolution No. 88-140 was passed and adopted by the City Council of the City of Lodi in a regular meeting held October 5, 1988, by the following vote:

Ayes: Councilmembers - Hinchman, Olson, Feid, Snider and Pinkerton (Mayor)

Noes: Councilmembers - None

Absent: Councilmembers - None


ALICE M. REIMCHE
City Clerk

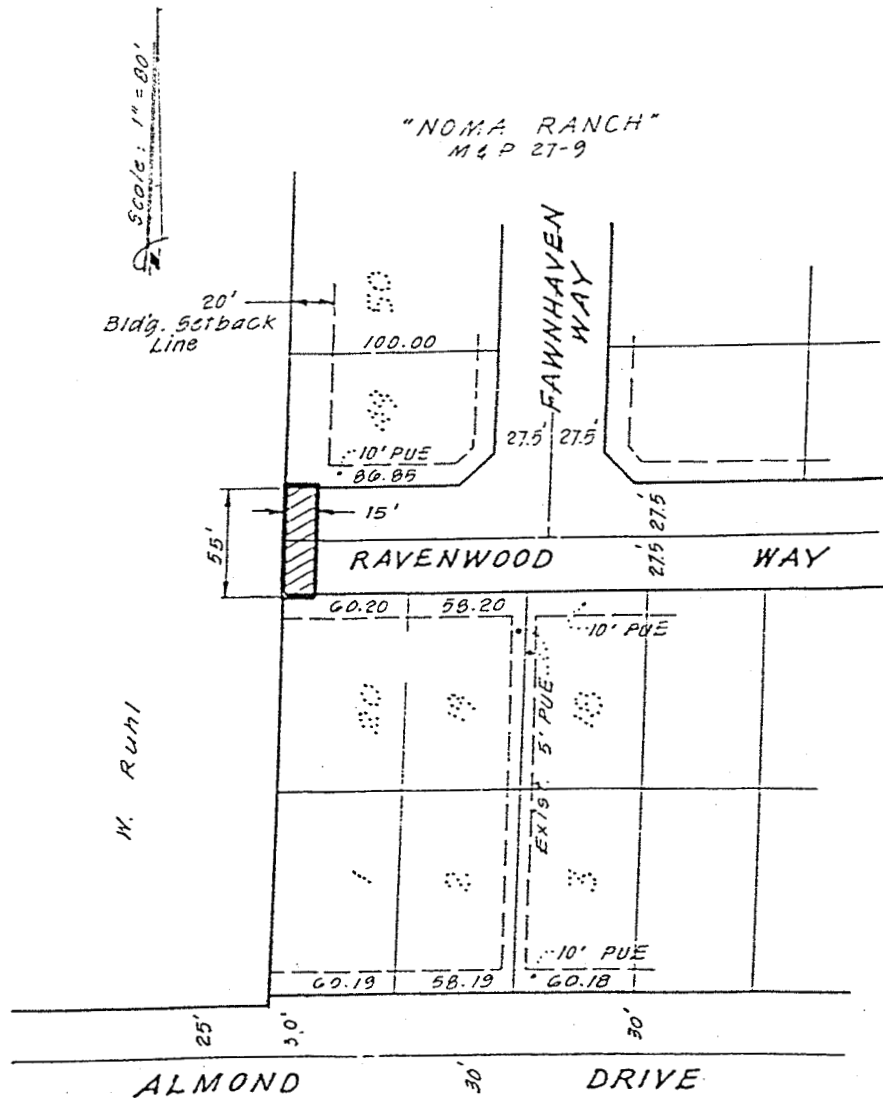


CITY OF LODI

PUBLIC WORKS DEPARTMENT

ABANDONMENT

15 ft. of Ravenwood Way



Dr. JM	No.	Date	Revision	Appr.	Approved By	
Ch.						
Date					Public Works Director	Date
					RCE	

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